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06 UNITED STATES DISTRICT COURT  
07 WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

08 UNITED STATES OF AMERICA, ) CASE NO. CR10-032-RSL  
09 Plaintiff, )  
10 v. )  
11 SHERMAN LEE DAVIS, ) DETENTION ORDER  
12 Defendant. )  
13 \_\_\_\_\_ )

14 Offense charged: Possession with Intent to Distribute Cocaine and Cocaine Base

15 Date of Detention Hearing: February 25, 2010

16 The Court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f), and  
17 based upon the factual findings and statement of reasons for detention hereafter set forth, finds  
18 that no condition or combination of conditions which defendant can meet will reasonably assure  
19 the appearance of defendant as required and the safety of other persons and the community.

20 FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

21 1. Defendant has been charged with a drug offense the maximum penalty of which  
22 is in excess of ten years. There is therefore a rebuttable presumption against defendant as to both

dangerousness and flight risk, under 18 U.S.C. §3142(e).

2. Defendant has an extremely lengthy criminal record which includes numerous failures to appear and failures to comply with court orders, with resultant bench warrant activity. Most recently, defendant was accused of violating supervision in state court by utilizing a device to provide negative urinalysis results. He is associated with two alias names, three dates of birth, and two Social Security numbers.

3. Defendant poses a risk of nonappearance due to previous failures to appear, violations of supervision, and the fact that the instant offense was allegedly committed while defendant was on state supervision. Furthermore, defendant is unemployed, and contradictory information has been provided about his mental health and controlled substance use. He poses a risk of danger based on criminal history, including seven felonies.

4. Taken as a whole, the record does not effectively rebut the presumption that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community.

It is therefore ORDERED:

(1) Defendant shall be detained pending trial and committed to the custody of the Attorney General for confinement in a correction facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal;

(2) Defendant shall be afforded reasonable opportunity for private consultation with counsel;

(3) On order of a court of the United States or on request of an attorney for the

01 Government, the person in charge of the corrections facility in which defendant  
02 is confined shall deliver the defendant to a United States Marshal for the purpose  
03 of an appearance in connection with a court proceeding; and

- 04 (4) The clerk shall direct copies of this Order to counsel for the United States, to  
05 counsel for the defendant, to the United States Marshal, and to the United States  
06 Pretrial Services Officer.

07 DATED this 25th day of February, 2010.

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10 Mary Alice Theiler  
11 United States Magistrate Judge  
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